In the High Court for the States of Punjab and Haryana, at Chandigarh.

C.R.No. 599 of 2007 (O&M)
Decided on February 15,2007

Bhateri Devi --- Petitioner

vs.

P.G.S.D,Senior Secondary School, Hisar and another --- Respondents.

Present: Mr. Arvind Rajotia, Advocate,for the petitioner

Pritam Pal,J:(Oral)

This Civil Revision under Article 227 of the Constitution of India, has been filed against order dated September 20,2005 (Annexure P-2) passed by Learned Addl. Civil Judge (Senior Division) and judgment dated August 31,2006 (Annexure P-3) passed by learned Addl. District Judge, Hisar, vide which application for seeking an ad-interim injunction as well as appeal, filed by the petitioner, were dismissed.

Suffice it to say that the petitioner/plaintiff (hereinafter referred to as 'the petitioner') had filed a suit for permanent injunction against the respondents/defendants (hereinafter referred to as 'the respondents') restraining them from causing any interference in the use and enjoyment of the street falling on the southern side of her plot/house during the pendency of the main suit.

Both the Courts below did not find any prima facie case for issuance of ad-interim injunction in favour of the petitioner. Now the only contention of learned counsel for the petitioner is that in fact,

there is a street on the southern side of the plot/house of the petitioner, but in that behalf, no document or any material is there on the file, which could show that there is any such street on the southern side of the plot/house of the petitioner, rather it appears that there is a road on the eastern side abutting the plot/house of the petitioner. It has also been observed by the Courts below that there is no public street shown in the recital of the sale deed vide which the petitioner had purchased the said plot/house. In the given facts and circumstances, this Court also does not find any illegality or infirmity in the impugned orders passed by the Courts below. Hence, this Civil Revision stands dismissed in *limini.*

However, nothing contained herein, shall be taken to be an expression of opinion on the merits of the case before the trial Court.

February 15,2007 (Pritam Pal)
RR Judge